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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,684	03/08/2004	Thomas J. Rowan	5092-1	2633

22442 7590 08/10/2005

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,684	Applicant(s) ROWAN, THOMAS J.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received:
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's attachment</u> . |

DETAILED ACTION

This Office action is in response to the applicant's application filed on 3/8/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Unfried (US 5,411,153).

In regard claim 17, Unfried teaches storage rack assembly system comprising a first rod 21 having an unthreaded end 23; a connector 21' (see attached figure 4) having an aperture 24 sized to slidably receive said unthreaded end of said first rod; a second rod 36 threadably received by said connector 21', wherein upon assembly, said second rod induces a force to secure said first rod 21 with said connector 21' by engaging an opening 35 of the first rod 21.

In regard claim 19, Unfried teaches the claimed invention as stated, wherein said first and second rods at connection area are substantially occupied at the same elevation.

In regard claim 20, Unfried teaches the claimed invention as stated, wherein said first and second rods are transverse to each other (figure 4).

In regard claim 21, Unfried teaches the claimed invention as stated, further comprising a third rod 31 having an unthreaded end 33, said connector 21' having

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another aperture 26 for slidably receiving said third rod, wherein said first and third rods at connection area are substantially occupied at the same elevation, and wherein said second rod 36 induces a force to secure said third rod within said connector by indirectly threaded through opening 35 of the connector and the first rod.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,840,507).

In regard claim 17, Brown teaches fence connection assembly comprising a first rod 21 having an unthreaded end; a connector 11 having an aperture 39 sized to slidably receive said unthreaded end of said first rod; a second rod 31 threadably received by said connector 11, wherein upon assembly, said second rod 31 induces a force to secure said first rod 21 with said connector 11 (see figure 8).

In regard claim 18, Brown teaches the claimed invention as stated, wherein a distal surface of said second rod 31 contacts a portion of said first rod 21 when engaging the connector 11 with the first rod 21 (figure 8).

In regard claim 19, Brown teaches the claimed invention as stated, wherein said first and second rod at connection area are substantially occupied at the same elevation.

In regard claim 20, Brown teaches the claimed invention as stated, wherein said first and second rods are transverse to each other.

Allowable Subject Matter

Claims 1-16, and 22-25 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wood, Andrews, Ewing, Ruiz, Hoffmann, Erdman, Venegas, Becker, Reid, and Hazan teach connecting assembly.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

8/4/2005
CQN
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Carl D. Friedman
Supervisory Patent Examiner
Group 3600

FIG. 3

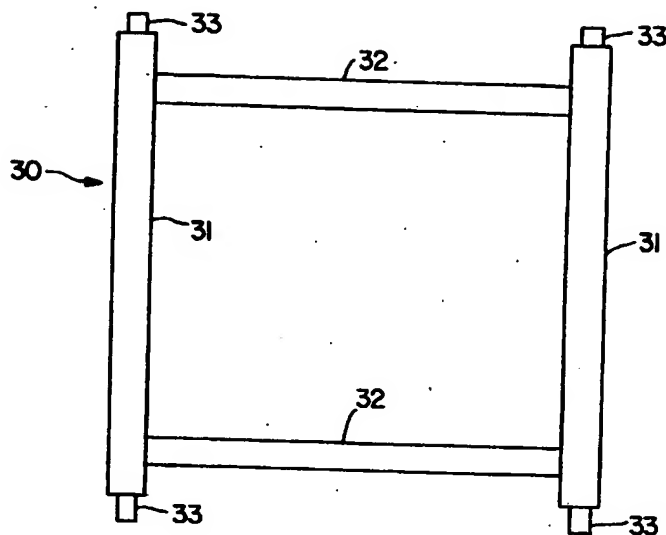


FIG. 4

